

TRANSPORTATION CODE

TITLE 6. ROADWAYS

SUBTITLE K. MASS TRANSPORTATION

CHAPTER 455. POWERS AND DUTIES OF DEPARTMENT OF TRANSPORTATION  
REGARDING MASS TRANSPORTATION

SUBCHAPTER A. GENERAL POWERS AND DUTIES

Sec. 455.001. DEPARTMENT DUTIES REGARDING MASS  
TRANSPORTATION. The Texas Department of Transportation shall:

(1) encourage, foster, and assist in developing intracity and intercity public and mass transportation;

(2) encourage the establishment of rapid transit and other transportation media;

(3) assist any political subdivision of this state to obtain federal aid to establish or maintain a public or mass transportation system;

(4) develop and maintain a comprehensive master plan for public and mass transportation development; and

(5) conduct hearings and make investigations to determine the location, type of construction, and cost to the state or its political subdivisions of a public mass transportation system owned, operated, or wholly or partly directly financed by the state.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 455.002. DEPARTMENT POWERS REGARDING MASS  
TRANSPORTATION. The Texas Department of Transportation may:

(1) purchase, construct, lease, and contract for public transportation systems;

(2) use the expertise of recognized private authorities or consultants to plan and design public and mass transportation systems;

(3) represent this state in each public and mass transportation matter before a state or federal agency;

(4) subject to Section [455.052](#), apply for and receive a gift or grant from a governmental or private source for use in

performing the department's functions under this chapter;

(5) contract as necessary to perform a function under this chapter; and

(6) recommend legislation necessary to advance this state's interest in public and mass transportation.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 434 (S.B. [1523](#)), Sec. 3, eff. June 1, 2017.

Sec. 455.003. RESTRICTION ON USE OF EMINENT DOMAIN. The Texas Department of Transportation may not use eminent domain for a purpose under this chapter in a way that:

(1) unduly interferes with interstate commerce; or

(2) establishes a right to operate a vehicle on a railroad track used to transport property.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 455.004. PUBLIC TRANSPORTATION ADVISORY COMMITTEE.

(a) A public transportation advisory committee consisting of nine members shall:

(1) advise the commission on the needs and problems of the state's public transportation providers, including the methods for allocating state public transportation money;

(2) comment on rules involving public transportation during development of the rules and before the commission finally adopts the rules unless an emergency requires immediate commission action;

(3) advise the commission on the implementation of Chapter [461](#);

(4) perform any other duty determined by the commission; and

(5) reflect the diversity of the state.

(b) The members of the committee shall be appointed by the governor, the lieutenant governor, and the speaker of the house of representatives, who shall each appoint:

(1) one member who represents a diverse cross-section

of public transportation providers;

(2) one member who represents a diverse cross-section of transportation users; and

(3) one member who represents the general public.

(c) A member serves at the pleasure of the officer who appointed the member. A member is not entitled to compensation for service on the committee but is entitled to reimbursement for reasonable expenses the member incurs in performing committee duties.

(d) The public transportation advisory committee shall meet as requested by the commission.

(e) The commission may adopt rules to govern the operation of the advisory committee.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2003, 78th Leg., ch. 1325, Sec. 13.03, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 281 (H.B. [2702](#)), Sec. 4.01, eff. June 14, 2005.

Acts 2009, 81st Leg., R.S., Ch. 117 (H.B. [2219](#)), Sec. 1, eff. September 1, 2009.

#### SUBCHAPTER B. STATE SAFETY OVERSIGHT PROGRAM

Sec. 455.051. DEFINITION. In this subchapter, "rail fixed guideway public transportation system" has the meaning assigned by 49 C.F.R. Section 674.7.

Added by Acts 2017, 85th Leg., R.S., Ch. 434 (S.B. [1523](#)), Sec. 4, eff. June 1, 2017.

Sec. 455.052. DESIGNATION OF STATE SAFETY OVERSIGHT AGENCY; REQUIREMENTS AND PROHIBITIONS. (a) The department is designated as the agency responsible for implementing a state safety oversight program that satisfies the requirements of 49 U.S.C. Section 5329(e).

(b) Unless waived under 49 U.S.C. Section 5329(e), the department:

(1) shall be financially and legally independent from

any rail fixed guideway public transportation system under the oversight of the department; and

(2) may not employ an individual who is also employed by a rail fixed guideway public transportation system under the oversight of the department.

(c) The department may not directly provide public transportation services in an area with a rail fixed guideway public transportation system under the oversight of the department.

(d) A public transportation entity may not provide funds to the department.

Added by Acts 2017, 85th Leg., R.S., Ch. 434 (S.B. 1523), Sec. 4, eff. June 1, 2017.

Sec. 455.053. OVERSIGHT. The department shall oversee all safety aspects of rail fixed guideway public transportation systems in accordance with 49 U.S.C. Section 5329, including the development, implementation, and application of the public transportation agency safety plan.

Added by Acts 2017, 85th Leg., R.S., Ch. 434 (S.B. 1523), Sec. 4, eff. June 1, 2017.

Sec. 455.054. ENFORCEMENT. The department shall:

(1) enforce federal and state laws on rail fixed guideway public transportation safety;

(2) review, revise, approve, oversee, and enforce the public transportation agency safety plan required under 49 U.S.C. Section 5329(d), including the implementation by a rail fixed guideway public transportation system of the system's plan;

(3) investigate and enforce the safety of rail fixed guideway public transportation systems; and

(4) coordinate all enforcement responsibilities with other governmental entities as needed.

Added by Acts 2017, 85th Leg., R.S., Ch. 434 (S.B. 1523), Sec. 4, eff. June 1, 2017.

Sec. 455.055. STAFFING LEVELS; TRAINING. (a) The department, in consultation with the Federal Transit

Administration, shall determine an appropriate staffing level for the state safety oversight program that is commensurate with the number, size, and complexity of rail fixed guideway public transportation systems in this state.

(b) The department shall ensure that the personnel who are responsible for rail fixed guideway public transportation safety oversight are qualified to perform oversight functions through appropriate training, including the successful completion of the public transportation safety certification training program established under 49 U.S.C. Section 5329(c).

Added by Acts 2017, 85th Leg., R.S., Ch. 434 (S.B. 1523), Sec. 4, eff. June 1, 2017.

Sec. 455.056. AUDIT OF COMPLIANCE WITH PUBLIC TRANSPORTATION AGENCY SAFETY PLAN. At least once every three years, the department shall audit the compliance of the rail fixed guideway public transportation systems in this state with the public transportation agency safety plan required by 49 U.S.C. Section 5329(d).

Added by Acts 2017, 85th Leg., R.S., Ch. 434 (S.B. 1523), Sec. 4, eff. June 1, 2017.

Sec. 455.057. ANNUAL STATUS REPORT. The department shall provide an annual status report on the safety of the state's rail fixed guideway public transportation systems to the governor, the lieutenant governor, the speaker of the house of representatives, the Federal Transit Administration, and the governing body of each rail fixed guideway public transportation system under the oversight of the department.

Added by Acts 2017, 85th Leg., R.S., Ch. 434 (S.B. 1523), Sec. 4, eff. June 1, 2017.

Sec. 455.058. USE OF CONTRACTOR. (a) The department may enter into an agreement with a contractor to act on behalf of the department in carrying out the duties of the department under this subchapter.

(b) A contractor may not provide services to both the

department and a rail fixed guideway public transportation system under the oversight of the department unless the provision of those services is authorized by a waiver issued by the Federal Transit Administrator or the administrator's designee.

Added by Acts 2017, 85th Leg., R.S., Ch. 434 (S.B. [1523](#)), Sec. 4, eff. June 1, 2017.

Sec. 455.059. CONFIDENTIAL INFORMATION. The data collected for and the report of an investigation conducted under this subchapter by the department or a contractor acting on behalf of the department and any part of a rail fixed guideway public transportation system safety plan that concerns security for the system are confidential and not subject to disclosure under Chapter [552](#), Government Code.

Added by Acts 2017, 85th Leg., R.S., Ch. 434 (S.B. [1523](#)), Sec. 4, eff. June 1, 2017.

Sec. 455.060. RULES. The commission shall adopt rules necessary to implement this subchapter.

Added by Acts 2017, 85th Leg., R.S., Ch. 434 (S.B. [1523](#)), Sec. 4, eff. June 1, 2017.